IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 577 OF 2007

The Associated Cement Cos.Ltd. .... Petitioner.
Versus
Associated Cement Staff Union... .... Respondent.

Mr. P.K.Rele, Sr.Advocate with Mr. R.P.Rele, Mr. Vinod Tayade i/by Mr.Piyush Shah for the Petitioner.

Mr. P. M. Patel for the Respondent.

CORAM : V. C. DAGA, J.

DATED : 12TH MARCH, 2007.

P.C.:

Heard Mr. Rele, learned Senior Counsel appearing for the petitioner. Perused petition.

2. This petition is directed against the impugned order dated 1st March, 2007; whereby the application made by the petitioner praying for decision of reference on the basis of the material already available on record came to be rejected.

3. Mr. Rele, Learned Senior Counsel for the petitioner submits that in view of the order of the learned Single Judge dated 28th November, 2006 the

matter is expected to be decided by the learned Tribunal on the basis of the evidence already brought on record. Learned Single Judge did not permit either of the parties to lead additional evidence. In my considered view, the submission made is misplaced in view of the fact that the order of the Learned Single Judge has specifically kept all rights and contentions of the parties open including the objections of the Union with regard to the maintainability of the demands raised by the petitioner / employer.

4. In that view of the matter, it was left to discretion of the learned Tribunal to permit or not to permit either of the parties to lead additional evidence. The additional evidence can always be allowed if the facts of the case justify and such demand or prayer serves the interest of justice.

5. No case is made out to entertain this petition. In the result, this petition is dismissed in limine with no order as to costs.

Sd/-

(V. C. DAGA, J.)